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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 02/26/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/676,365

Applicant(s)

BLINN ET AL.

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on December 22, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2003 has been entered.
2. The amendment filed on December 22, 2003 has been received and entered. Claims 1-49 are pending

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-9, 13-23, 25-28, 32-39, and 41-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. Patent No. 6,418,441) in view of Lucas (U.S. Pub. No. 2001/0051905 A1).

As to claim 1, Call discloses a method comprising:

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(a) hosting, on a server (See column 27, lines 55-67), a database of specification data of products of a plurality of different manufacturers (See column 27, lines 36-51),

(c) providing an interface for use by product manufacturers for entry of new product specification data into the database and for modifying existing product specification data in the database (See column 27, lines 1-13, also see column 12, lines 57-67, and column 13, lines 1-3), the interface requiring each manufacturer to use a same schema when entering or modifying product specification data in a particular product class (See column 25, lines 1-36, wherein “same” reads on “universal”); and

(d) in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database (See column 31, lines 49-60, wherein “external” reads on “Internet”, also see column 26, lines 36-67, wherein “remuneration” reads on “credit card number”, and wherein “interface” reads on “web browser”).

Call does not teach the product specification data in the database being arranged in predefined product classes; (b) defining, for each product class, a schema for the entry of specification data of products in that product class.

Lucas teaches the product specification data in the database being arranged in predefined product classes (See page 3, paragraph 0040, also see page 5, paragraph 0074-0076, also see page 16, paragraph 0116);

(b) defining, for each product class, a schema for the entry of specification data of products in that product class (See page 3, paragraphs 0041-0050).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call to include the product specification data in the database being arranged in predefined product classes; (b) defining, for each product class, a schema for the entry of specification data of products in that product class.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call by the teaching of Walker et al. to include the product specification data in the database being arranged in predefined product classes; (b) defining, for each product class, a schema for the entry of specification data of products in that product class because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

As to claim 2, Call discloses wherein (d) comprises permitting the manufacturer to query product specification data from the database (See column 32, lines 51-65, wherein “query” reads on “search”, also see column 33, lines 1-10, wherein “data from the database” reads on “indexing services... locate”).

As to claim 3, Call discloses wherein (d) comprises providing a manufacturer with a link to a Web page generated on behalf of the manufacturer that contains product specification data requested by the manufacturer (See column 32, lines 27-50, wherein “link” reads on “URL”).

As to claims 5, 22, and 38, Call discloses wherein (d) comprises exporting product specification data to a manufacturer in one of an Excel spreadsheet format (XLS), an Extensible

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Markup Language (XML) format (See column 32, lines 6-15, also see column 23, lines 24-32), and a CSV format.

As to claims 6, and 25, Call discloses wherein (d) further comprises charging each manufacturer desiring to have access to the database a fee for such access (See column 14, lines 15-28, wherein “fee” reads on “schedule payment”, and wherein “manufacturer” reads on “retailer”).

As to claims 7, and 26, Call discloses wherein the fee is in the form of a monetary payment (See column 14, lines 15-28, wherein “monetary payment” reads on “check or electronic funds”).

As to claims 8, and 27, Call discloses wherein the fee comprises a one-time fee (See column 11, lines 42-52).

As to claims 9, and 28, Call discloses wherein the fee comprises a periodically recurring fee (See column 28, lines 1-9, wherein “periodically recurring fee” reads on “periodic payments”).

As to claims 13, 18, and 34, Call discloses wherein (c) comprises permitting each manufacturer to add and edit the product specification data for a single product in the database (See column 12, lines 17-30, also see column 12, lines 57-67, and column 13, lines 1-3).

As to claims 14, 19, and 35, Call discloses wherein (c) comprises permitting a manufacturer to add or edit the product specification data for multiple products in a single data feed (See column 24, lines 50-65).

As to claims 15, 20, and 36, Call discloses wherein (c) further comprises accepting the product specification data for multiple products in the single data field in one of all Excel spreadsheet format (XLS), an Extensible Markup Language (XML) format (See column 28, lines 27-41), and a CSV format.

As to claims 16, and 32, Call discloses a computer-readable medium having computer-executable instructions stored thereon comprising component that form a system for enabling an entity to serve as an application service provider with respect to product specification data of a plurality of manufacturers (See column 31, lines 62-67, and column 32, lines 1-5, wherein “application service provider “ reads on “view product information... via a shared product information server”), the components comprising:

a database of specifications of products of the plurality of different manufacturers (See column 27, lines 36-51); and

an interface for use by the plurality of manufacturers (See column 27, lines 1-13, also see column 12, lines 57-67, and column 13, lines 1-3), the interface requiring each manufacturer to use the defined schema for a given product class when entering product specification data for products in that class (See column 25, lines 1-36, wherein “when entering” reads on “universal”),

the interface further permitting each manufacturer that provides remuneration to the entity to access its respective product specification data in the database for use outside of the database (See column 31, lines 49-60, wherein "external" reads on "Internet", also see column 26, lines 36-67, wherein "remuneration" reads on "credit card number", and wherein "interface" reads on "web browser").

Call does not teach the product specifications in the database being arranged in predefined product classes; and for the entry of specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class.

Lucas teaches the product specifications in the database being arranged in predefined product classes (See page 3, paragraph 0040, also see page 5, paragraph 0074-0076, also see page 16, paragraph 0116); and for the entry of specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class (See page 3, paragraphs 0041-0050).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call to include the product specifications in the database being arranged in predefined product classes; and for the entry of specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call by the teaching of Walker et al. to include the product specifications in the database being arranged in predefined product classes; and for the entry of



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specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

As to claim 17, Call discloses wherein the interface (See column 34, lines 51-61, wherein “interface” reads on “web browser”) further comprises a component that a manufacturer can use to search for and list product specification data stored in the database for its products (See column 9, lines 20-36).

As to claims 21, and 37, Call discloses the interface permits a manufacturer (See column 6, lines 1-28, wherein “permits” reads on “password”) to query product specification data from the database for use outside of the database (See column 8, lines 41-51).

As to claims 23, and 39, Call discloses wherein the interface component is capable of providing the manufacturer with a link to a Web page generated on behalf of a manufacturer that contains product specification data from the database (See column 8, lines 55-67, also see column 2, lines 30-39).

As to claim 33, Call discloses wherein the interface component further comprises a component that a manufacturer can use to search for and list product specification data stored in the database for its products (See column 27, lines 26-35, also see column 33, lines 1-16).

As to claims 41, 44, and 47, Call discloses wherein the remuneration is in the form of permission (See column 6, lines 1-28, wherein "permits" reads on "password") from the manufacturer to use the product specification data in connection with another method (See column 21, lines 24-39, also see column 13, lines 47-61).

As to claims 42, 45, and 48, Call discloses wherein said use of the product specification data in connection with another method comprises using the product specification data in connection with product offers hosted by an online shopping Web site (See column 30, lines 52-65, also see column 24, lines 57-65).

As to claims 43, 46, and 49, Call discloses wherein the interface operates to pull product specification data from a manufacturer and to format it in accordance with a respective product class schema (See column 25, lines 37-60).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 10-12, 24, 29-31, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. Patent No. 6,418,441) in view of Lucas (U.S. Pub. No.

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2001/0051905 A1) as applied to claim 1-3, 5-9, 13-23, 25-28, 32-39, and 41-49 above, and further in view of Walker et al. (U.S. Patent No. 6,405,174).

As to claim 4, Call as modified still does not teach wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded.

Walker et al. discloses wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded (See Walker et al. column 3, lines 18-27, wherein “manufacturer” reads on “merchant”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified to include wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified by the teaching of Walker et al. to include wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded because it always for partnership in business across the globe thereby reducing business costs.

As to claims 10, and 29, Call as modified still does not teach wherein the fee is based on usage of the database by the manufacturers.

Walker et al. discloses wherein the fee is based on usage of the database by the manufacturers (See column 13, lines 1-19, wherein “usage” reads on “rate”).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified to include wherein the fee is based on usage of the database by the manufacturers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified by the teaching of Walker et al. to include wherein the fee is based on usage of the database by the manufacturers based on a number of times that the manufacturer accesses the database to retrieve product specification data because it provides for an adequate method to control inventory and create revenue thereby reducing business costs.

As to claims 11, and 30, Call as modified discloses wherein the fee for a given manufacturer is based on the volume of product information stored in the database by that manufacturer (See column 27, lines 36-67, and column 28, lines 1-8, wherein “volume” reads on “quantity”, and wherein “fee” reads on “payment”).

As to claims 12, and 31, Call as modified discloses wherein the fee for a given manufacturer is based on a number of times that the manufacturer accesses the database to retrieve product specification data (See Walker et al. column 12, lines 36-50, wherein “number of times” reads on “rate”).

As to claims 24, and 40, Call as modified still does not teach wherein the Web page is co-branded by both the manufacturer and the entity that operates the system.

Walker et al. discloses wherein the Web page is co-branded by both the manufacturer and the entity that operates the system (See Walker et al. column 3, lines 18-27, wherein “manufacturer” reads on “merchant”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified to include wherein the Web page is co-branded by both the manufacturer and the entity that operates the system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified by the teaching of Walker et al. to include wherein the Web page is co-branded by both the manufacturer and the entity that operates the system because it provides for a way to increase revenues for both sides and allowing for greater exposure in business.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.


The examiner can normally be reached on 8:00AM-4: 30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
February 22, 2004

  
**CHARLES RONES**  
**PRIMARY EXAMINER**